resulted 'from the excitement and confusion of the moment.' Corbin *v.* Philadelphia, 195 Pa. 461, 472, 45 Atl. 1070, 49 L. R. A. 715, 78 Am. St. Rep. 825. The reason that was exacted of him was not the reason of the morrow. It was reason fitted and proportioned to the time and the event.

"Whether Herbert Wagner's fall was due to the defendant's negligence, and whether plaintiff, in going to the rescue, as he did, was foolhardy or reasonable in the light of the emergency confronting him, were questions for the jury."

Street Railroads—Stopping Automobile on Track Not Negligence.—In Fitch *v.* Bay State St. Ry., 129 N. E. 423, the Supreme Judicial Court of Massachusetts held that where a husband, driving his wife and guests in his automobile, stopped on the street car track in order to assist his guests, one of whom was blind and the other a sufferer from paralysis, to reach their home, neither he nor his wife were negligent, precluding them from recovering from the street railway for injuries when a car came on them suddenly and struck the automobile before it could be started.

The court said in part: "It is plain that it could not be ruled as matter of law that either plaintiff acted heedlessly, or was willing to take the chance of being injured. The plaintiffs were lawfully using the street, and the conduct of Mr. Fitch, in stopping and in assisting the Snows to reach their home, the jury could say, was justifiable under the circumstances for the needs and welfare of his guests. Evensen *v.* Lexington & B. Street R. Co., 187 Mass. 77, 72 N. E. 355; Chaput *v.* Haverhill, G. & D. Street R. Co., 194 Mass. 218, 220, 80 N. E. 597. The present case is distinguishable from Lawrence *v.* Fitchburg & L. Street R. Co., 201 Mass. 489, 87 N. E. 898, where the plaintiff, knowing that a car was approaching, deliberately stopped his automobile on the track without taking any precautions whatever for the personal safety of his wife or of himself. Mrs. Fitch, who had seen her son run back and meet the approaching car when it was quite a distance away, well may have had no reason to anticipate that the motorman would not see the automobile and avoid running into it. If, in the light of what happened, she overstayed, a 'plaintiff is not to be charged with negligence because of a mere error of judgment, especially when the circumstances are such as to call for speedy decision and action.' Hennesey *v.* Taylor, 189 Mass. 583, 76 N. E. 224, 3 L. R. A. (N. S.) 345, 4 Ann. Cas. 396; Hanley *v.* Boston Elevated Railway, 201 Mass. 55, 87 N. E. 197."